

KATTEN MUCHIN ROSENMAN LLP
Bruce M. Sabados (BMS 4258)
bruce.sabados@kattenlaw.com
Daniel A. Edelson (DE 1830)
daniel.edelson@kattenlaw.com
575 Madison Avenue
New York, NY 10022
Telephone: (212) 940-8800
Facsimile: (212) 940-8776

BERGESON, LLP
Daniel J. Bergeson, *pro hac vice application pending*
dbergeson@be-law.com
Caroline McIntyre, *pro hac vice application pending*
cmcintyre@be-law.com
Julia Chung (JC 9369)
jchung@be-law.com
303 Almaden Blvd., Suite 500
San Jose, CA 95110
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

Attorneys for Defendants
KCR DEVELOPMENT and
ANNIE MYOUNG HAE CHAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BUCEPHALUS ALTERNATIVE ENERGY GROUP,
LLC,

Plaintiff,

v.

KCR DEVELOPMENT AND ANNIE MYOUNG HAE
CHAN,

Defendants.

No. 08 Civ 7343 (LAP)(JCF)

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
COMPLAINT, OR, IN THE
ALTERNATIVE, STAY THE
ACTION, OR, IN THE
ALTERNATIVE, TRANSFER
THE ACTION**

ECF Case

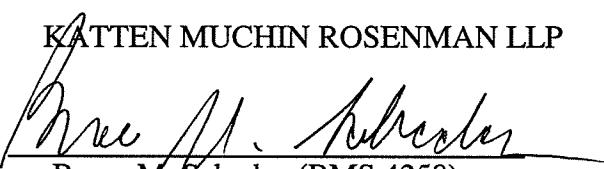
This document has been
electronically filed

PLEASE TAKE NOTICE that upon the annexed affidavit of Daniel A. Edelson, sworn to on September 23, 2008, with the exhibits attached thereto, the annexed declaration of Annie Chan, sworn to on September 19, 2008, the accompanying memorandum of law, dated September 23, 2008, and upon all prior pleadings and proceedings herein, Defendants Annie Myoung Hae Chan and KCR Development (collectively, "Defendants") will move this Court, before the Honorable Loretta A. Preska, United States District Judge, in the United States District Court for the Southern District of New York, at a date and time to be set by the Court, for an order, pursuant to Rules 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. §1406(a) and 1404(a): (1) to dismiss this action against Defendants for lack of personal jurisdiction; or, in the alternative (2) to dismiss or stay the action in favor a similar action pending in California state court; or, in the alternative (3) to dismiss or transfer this action to the United States District Court for the Northern District of California, San Jose Division, for improper venue; or, in the alternative, (4) to transfer venue of this action to the United States District Court for the Northern District of California, San Jose Division for the convenience of the parties.

Dated: New York, NY
September 23, 2008

KATTEN MUCHIN ROSENMAN LLP

By:


Bruce M. Sabados (BMS 4258)

Daniel A. Edelson (DE 1830)

575 Madison Avenue

New York, NY 10022-2585

Telephone: (212) 940-8800

Facsimile: (212) 894-5776

Attorneys for Defendants

KCR Development and

Annie Myoung Hae Chan

Of Counsel:

BERGESON, LLP

Daniel J. Bergeson, *pro hac vice application pending*

Caroline McIntyre, *pro hac vice application pending*

Julia Chung (JC 9369)

303 Almaden Blvd., Suite 500

San Jose, CA 95110

Telephone: (408) 291-6200

Facsimile: (408) 297-6000